

RECEIVED
CENTRAL FAX CENTER

FEB 21 2006

Nassef 100-1361

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:)
Namon A. Nassef)
Serial No.: 10/603,336) Group Art Unit: 3643
Filed: June 26, 2003) Examiner: Kurt C. Rowan
FOR: BAIT CHUMMER) Confirmation No. 2851
)

Mail Stop Appeal Brief Patents
P.O. Box 1450
Commissioner for Patents
Alexandria, VA 22313-1450

Via Facsimile To: 571-273-8300

REPLY BRIEF

This is a Reply to the Examiner's Answer dated December 20, 2005. This Reply
is filed within the two month deadline. This Reply Brief is accompanied by a Power of
Attorney from the Applicant/Appellant to the undersigned.

Nassef 100-1361

STATUS OF CLAIMS

The status of the claims is as follows:

Allowed Claims: None

Claims Rejected: 1-18

ClaimsAppealed: 1-18

Nassef 100-1361

GROUNDS OF REJECTION

The Examiner's stated Grounds of Rejection is correct.

Nassef 100-1361

RESPONSE TO EXAMINER'S ARGUMENT

The Applicant/Appellant incorporates by reference the arguments previously submitted in these proceedings.

Applicant submits this reply specifically to address the Examiner's assertion on Page 4 of his Answer, that "This blade and blade 36 will drive a fluid since both have thickness." (Emphasis added) The "This blade" the Examiner is referring to is blade 33 of the Spinelli invention (US 6581322). Applicant respectfully submits that just because blade 33 and blade 36 have thickness does not mean that they can or will drive fluid. In order for a blade to be an impeller blade, a blade must have pitch or angle. Neither blade 33 nor blade 36 have any pitch or angle and will not drive a fluid.

Applicant admits that blade 35 of Spinelli does have pitch and could drive a fluid but this brings up the problem of trying to locate this blade 35 within the flat blade 33 of Spinelli as the Examiner's rejection requires which would be impossible in Spinelli's invention as disclosed and described, as Applicant has previously remarked.

Nassef 100-1361

CONCLUSION

For all of the reasons previously submitted and submitted herein, the Applicant submits that the cited references do not in any way teach or suggest the invention set out in Claims 1-18 and thus that Claims 1-18 are not in any way anticipated or obvious in view of these references. Thus, Applicant respectfully requests that the determination by the Examiner that claims 1-18 are not patentable for the reasons given by the Examiner be reversed and the claims allowed.

Respectfully submitted,

J. NEVIN SHAFFER, JR., P.A.

Date: 21 FEB 06

By: 
J. Nevin Shaffer, Jr., Reg. No. 29,858
913 Gulf Breeze Parkway, Suite 43
Gulf Breeze, FL 32561
850-934-4124
Attorney for Appellant

Certificate of Facsimile transmission

I hereby certify that this correspondence is being transmitted to the patent and Trademark Office facsimile number (571) 273-8300 on 21 February 2006. Number of Pages, including Transmittal Letter, 7 pages.
Reg. No. 29,858, J. Nevin Shaffer, Jr. 